

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

GEOFFREY ROBERT LAWSON SR,

Plaintiff,

v.

BERNARD WARNER, KIM WYMAN,
JEFFREY A UTTECHT, ROY
GONZALES, BAILEY, RAND
SIMMONS, L WONDERS, CHE,
MILLER, FORD, GUNTER, AYERS,
STUENKEL, JOHN 1 DOE, JOHN DOE
2,

Defendant.

CASE NO. C14-5100 RBL-KLS

ORDER STAYING DISCOVERY
AND ALLOWING PLAINTIFF TO
SUPPLEMENT HIS
MEMORANDUM IN OPPOSITION
TO THE MOTION

This matter has been referred to United States Magistrate Judge Karen L. Strombom pursuant to 28 U.S.C. § 636(b)(1), Local Rules MJR 3 and 4, and Fed. R. Civ. P. 72. The case is before the undersigned on Defendants' motion to stay discovery. Dkt. 28. After reviewing Defendants' motion, Plaintiff's response (Dkt. 32), Defendants' reply (Dkt. 38), Plaintiff's supplement showing that he mailed his memorandum to Defendants (Dkt. 33) and the balance of the record, the Court finds and ORDERS as follows:

"Until this threshold immunity question is resolved, discovery should not be allowed." *Harlow v. Fitzgerald*, 457 U.S. 800, 818 (1982). Qualified immunity is "immunity from suit

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1 rather than a mere defense to liability.” *Mitchell v. Forsyth*, 472 U.S. 511, 526 (1985)(italics in
2 original).

3 Plaintiff states in a memorandum in opposition to Defendants’ motion that he needs
4 discovery to respond to the pending motion to dismiss. Dkt. 32-1, p. 4. Plaintiff’s argument is
5 unavailing given the clear direction from the Supreme Court regarding the parameters of
6 qualified immunity. Further, much of Plaintiff’s argument addresses the summary judgment
7 standard and the currently pending motion is a motion to dismiss. Dkt. 32-1, pp. 6-7.

8 Plaintiff also argues that the motion to dismiss should be struck from the record because
9 he did not receive proper warnings regarding dispositive motions concurrent with the motion to
10 dismiss. Dkt. 32-1 pp. 14- 16. Defendants cured this defect by withdrawing their motion (Dkt.
11 35) and then re-filing the motion and providing proper warnings. Dkt. 36 and 37.

12 Defendants’ motion to stay discovery until after the District Court has ruled on the
13 currently pending motion to dismiss is **GRANTED**. Plaintiff’s motion asking that he be allowed
14 to file a supplement to his memorandum showing that he mailed his response to Defendants
15 (Dkt. 33) is also **GRANTED**.

16 The Clerk is directed to send a copy of this Order to Plaintiff.

17 Dated this 25th day of August, 2014.

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19 
20 Karen L. Strombom
United States Magistrate Judge